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Committee on Relations with the Host Country

Letter dated 3 October 2003 from the first Deputy Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country.

I have the honour to request circulation of the enclosed document on the operations of the Parking Programme for Diplomatic Vehicles (see annex) as a document of the Committee on Relations with the Host Country.

I would also be very grateful if you would include in the agenda of the Committee's meeting on 9 October 2003 the item entitled "Transportation: use of motor vehicles, parking and related matters".

(*Signed*) Gennady M. Gatilov
First Deputy Permanent Representative

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Annex to the letter dated 3 October 2003 from the First Deputy Permanent Representative of the Russian Federation addressed to the Chairman of the Committee on Relations with the Host Country

[Original: Russian]

Operation of the Diplomatic Parking Programme in New York

The experience of operation of this Parking Programme (which entered into force on 1 November 2002) accumulated by the Permanent Mission of the Russian Federation has revealed a number of weak points connected with the inability of the City authorities fully to discharge their obligations under the Programme.

1. The key provision of the Programme (para. 27, guaranteeing every mission to the United Nations, two dedicated parking spaces 24 hours a day and seven days a week) is not working. We have found that the places assigned to the Russian Mission are almost always occupied, sometimes all day long, by vehicles of the neighbouring police station and fire house, by military vehicles or by trucks or passenger cars without special permits. Neither an approach by hotline on each specific occasion to the Traffic Management Centre of the New York Police Department nor regular monthly notes to the United States Mission to the United Nations containing lists of unauthorized vehicles parked in our spaces (para. 44 of the Programme) together with photographs produce any results. Not one of the violators has been fined, and certainly none of the vehicles has been towed away from the parking spaces of the Russian Mission.

Furthermore, the police have recently begun to use the spaces assigned to the diplomatic mission as a pound for sequestrated vehicles.

Since our official permits are issued for minibuses, which cannot park in underground garages, the absence of a guaranteed parking for them in the spaces reserved for the Mission creates real and substantial problems every time.

2. Nor has a solution been found to the issue of the standing, exclusively for loading and unloading of passengers, of the Russian Mission's bus, which carries our staff members every day from the residential compound in the Bronx to our offices in Manhattan. Tickets are issued for double parking despite the obvious impossibility of parking the bus anywhere at the sidewalk in the vicinity of the offices. Accordingly, we shall be unable to accept such tickets until the bus parking problem itself has been solved.

3. The monthly statements issued by the Department of Finance of the City of New York (provided for in para. 6 of the Programme), which list all unpaid tickets issued to staff members of the Mission, arrive irregularly and extremely late. In addition, there suddenly appeared in the statement for May 2003 tickets apparently issued in November-December 2002 (which did not appear in earlier statements). The presence of these "strange" tickets (subsequently cancelled) was used as the basis for threats from the United States Mission to the United Nations to refuse to renew the registration of the principal vehicle of the Permanent Representative of Russia to the United Nations.

4. Staff members of the Mission pay all justified tickets. But the Programme's procedure for protesting erroneous or illegal tickets has proved far from perfect. Specifically, we regularly receive notices about surcharges on fines resulting from parking tickets which are under consideration by the Diplomatic Parking Review Panel; this is contrary to the provisions of the Programme and prompts serious doubts about the impartiality of the decisions taken on such protests and appeals.

In response to our protests, which include detailed justifications and references to the corresponding regulations, we receive standard "fine confirmed" letters without any explanations, despite the fact that such explanations are expressly provided for in paragraph 10 of the Programme. And replies to protests and appeals arrive after an interval of up to two to three months, whereas paragraph 16 of the Programme sets a clear time limit of 20 working days.

The Diplomatic Parking Review Panel is manifestly not coping with the functions assigned to it. This body is unable to deliver proper registration and verification of fines which have been protested or appealed. Things have reached the point where we have begun to receive replies (apparently to inquiries from the Mission) concerning vehicles belonging to the Consulate General and vehicles which not only do not belong to the Permanent Mission but also have no diplomatic status whatsoever.

5. Notwithstanding the official explanation of the United States Mission to the United Nations that only the basic amount of a fine is subject to payment, the City authorities continue to insist on the payment of unjustified surcharges, going as far as refusing to accept payment of a fine unless the surcharge is paid as well.

Thus, the City authorities have by now demonstrated their inability fully to ensure the normal operation of the Parking Programme. The problems described above really do complicate the work of diplomatic missions to the United Nations. Indeed, the disregard of these problems in the practical operation of the Programme raises questions about the proper discharge of its functions by the host country, as was noted in the opinion of the United Nations Legal Counsel on the Parking Programme.